



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Contract Change Order - Hale Park Improvements, 208 E. Locust Street

MEETING DATE: January 6, 1993

PREPARED BY: Public Works Director

RECOMMENDED ACTION: This item is for information only. No action is required.

BACKGROUND INFORMATION: This information is being given to the City Council in accordance with the Contract Change Order policy approved by Resolution 85-72. One of the requirements of this policy is that we inform the City Council of all change orders where the total change orders exceed \$25,000. In addition, the Council asked that staff provide an update as to the status of the project and the problem with the playground surface.

Change Order

The attached contract change order, approved by the City Manager, was in the amount of \$29,256, which is 6.4% of the contract. The work includes additional fill needed because the sidewalk grades were raised to avoid cutting into the root systems of the trees. Revisions to the irrigation system were made to irrigate the area west of the project. This portion of the park was planned for a future parking lot. However, this improvement is probably many years in the future. The project, as designed, would have left this area without a means of watering, even by hand. The change order extended the irrigation system and turf seeding into this area. A deep-root watering system was also installed to irrigate the existing sycamore trees in the park.

Status

BRCO Constructors estimates that the work in Hale Park can be completed in less than two months. The remainder of the project involves placing the surfacing material in the playground and par course areas and installing the landscaping and turfing in the rest of the park. The two-month time frame is reasonable unless extreme cold temperatures or heavy rains prohibit seeding. The contract includes a 90-day turf and irrigation system maintenance period which will run beyond the contract working days. Including the latest change order, the contract working days allowed ended in early December. Although there will be additional non-working day adjustments allowed for weather, it appears there will be liquidated damages charged on this contract. The damages specified in the contract are \$230 per day. However, resolution of the following item may involve granting additional working days due to the time lost.

APPROVED

THOMAS A. PETERSON
City Manager



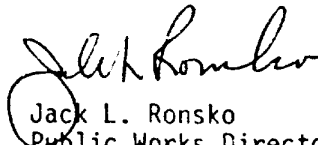
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CC-1

Playground Surface

The plans call for the playground surface material to be "Fibar", installed per the manufacturers recommendations. Fibar is the trade name of a patented wood chip and fabric system which includes an extended warranty and \$10,000,000 product liability coverage. The contractor feels the contract is not explicit in its requirements and that if the City insists on Fibar, he will file a claim for an additional \$11,000. He is in the process of submitting an alternative. As of this writing (December 29, 1992), the matter has not been resolved. Assuming the issue can be resolved in early January, the work should be completed by the end of March 1993. At that point, the walk and play areas will be available for use.

FUNDING:	Originally Budgeted:	\$524,394
	Budgeted Fund:	Community Development Block Grant Fund
	Contract Amount:	\$507,362 (includes change orders)


Jack L. Ronsko
Public Works Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer

JLR/WKF/lm

Attachment

cc: BRCO Constructors

Sheet 1 of 1
Date Dec. 7, 1992
Account No. 45.6-760.60

PROJECT: HALE PARK IMPROVEMENTS

CONTRACTOR: BRCO Constructors, Inc.

You are directed to make the following changes or do the following work not included in the Plans and Specifications on this contract.

Description of work to be done, estimate of quantities, and prices to be paid.
Specify whether additional work is at contract price, agreed price, or force account. Unless otherwise stated, rates for rental of equipment cover only such time as equipment is actually used and no allowance will be made for idle time.

- | | | |
|--|-------------------|----------|
| 1. Turf and irrigate future parking lot area | Agreed upon price | \$ 5,500 |
| 2. Revise sprinkler head installation | Agreed upon price | 1,266 |
| 3. Import, grade and compact areas affected by revised sidewalk grades | Agreed upon price | 16,560 |
| 4. Increase basketball court width by 18 inches | Agreed upon price | 780 |
| 5. Install deep root watering system around trees | Agreed upon price | \$ 5,150 |

		PERCENT OF CONTRACT
Original Contract Price	\$ 458,000	
Total Cost of This Change Order NOT TO EXCEED	\$ 29,256	6.4%
Previous Change Orders	\$ 20,106	
Total Cost of All Change Orders to Date	\$ 49,362	10.8%
Contract Price, including all Change Orders, will be:	\$ 507,362	

Time of completion will be adjusted as follows: Add 20 working days

Submitted by H. Fujitani Date 12-10-92
Approval Recommended Richard C. Prime Date 12-11-92
Approved, Public Works Director John R. Miller Date 12-14-92
Approved, City Manager (if over larger of \$5,000 or 10% each CCO or \$25,000 total CCOs) Thomas A. Peterson Date 12/14/92

The undersigned contractor, having carefully considered the change proposed, agrees, if this proposal is approved, to provide all equipment, furnish all materials, except as otherwise noted above, perform all services necessary for the work above specified, and accept as full payment the prices shown above.

ACCEPTED: Date _____ Contractor _____

By _____ Title _____

If the Contractor does not sign acceptance of this order, the Contractor should refer to Section 4-1.03A of the Standard Specifications regarding filing a written protest within the specified time.

1/16/93
CC-92

File
1/16/93
P/W



MEMORANDUM, City of Lodi, Public Works Department

To: City Council
City Manager

From: Public Works Director

Date: February 1, 1993

Subject: Status of Hale Park Improvement Project

Not to be
made an agenda
item

July

The purpose of this memo is to report on the status of the Hale Park project as requested at the City Council meeting on January 6, 1993.


The following dates highlight the critical dates of this project:

- 3/11/92 Contract bids were received and opened for this project.
- 3/18/92 City Council awarded the contract to BRCO Constructors of Sacramento.
- 4/21/92 First working day for the project.
- 5/92 BRCO and its subcontractors were clearing and grubbing the site, doing off-site concrete work and on-site grading.
- 6-92 - 8/92 Work was done on the recreation building, the park lighting system and the on-site walkways.
- 9/92 The basketball court was paved and fencing was installed around the sports areas.
- 10/92 The recreation building was completed and work was started on the playground equipment and the irrigation system.
- 11/92 Minimal work done on the project.

At the end of October, BRCO Constructors submitted a request to substitute the playground chips called for in the specifications with chips supplied by another manufacturer, Artesia Sawdust. During this time, there were discussions on what benefits the City would receive with the proposed substitution. The specifications specified Fibar wood chips as the playground surfacing material. The installation of a Fibar system included additional benefits to the City, such as warranties for performance and biological degradation and a certificate of insurance in the amount of \$10,000,000 for product liability.

In reviewing BRCO's substitution, we wanted to be sure that the Artesia Sawdust product provided the same coverage as the Fibar system. A meeting was held on January 21, 1993, with representatives from BRCO, A-1 Fencing and Playgrounds, and members of the City staff and it was decided that the City would accept the Artesia Sawdust product with a one-year performance warranty, a three-year biological degradation warranty, and a certificate of insurance in the amount of \$2,000,000 for product liability. The insurance coverage was not as great as the coverage provided by Fibar but it did name the City of Lodi as an additional insured which is something that Fibar's certificate of insurance did not do. According to City Attorney McNatt, the City of Lodi would accept a \$2,000,000 certificate of insurance with the City of Lodi named as an additional insured in lieu of a larger certificate of insurance without the City's name on the certificate. BRCO Constructors was then given permission to order the Artesia Sawdust playground chips and have it installed. This installation started Friday, January 29, 1993, and should be completed the early part of next week.

A question was also raised during the Council meeting regarding working days and how they are established. A copy of a working day statement from the Hale Park project is attached. It is standard practice to start counting working days 15 days after the Mayor signs the contract. Working days are not assessed for weekends, holidays, and inclement weather. If the contractor does additional work not included in the original scope of work, he is issued a change order and given added time for the new work. BRCO's working day statement originally showed a completion date of October 15, 1992. This date took into account all weekends and holidays between the first working day and the 120 working days allowed in the contract. Because of additional time from change orders and non-working days caused by weather, the completion date for the park has been extended.


Jack L. Ronsko
Public Works Director

JLR/WLF/lm

Attachment

cc: Parks and Recreation Director
Community Development Block Grant Coordinator
Virginia Lahr

HALESTAT.DOC

City of Lodi

Working Day Statement

Project: Hale Park Improvements

Contractor: BRCO Constructors

To Contractor:

The following statement shows the number of working days charged to your contract for the dates shown.

Report #39

Date	Day	Weather / conditions affecting work	Working Day	Non-Working Day Caused by Weather	Working Day-No Work Done on Controlling Operation
1/11/93	Mon	Partly cloudy, cool	1		1
1/12/93	Tues	Partly cloudy, cool & rain		1	
1/13/93	Wed	Rain & showers		1	
1/14/93	Thur	Partly cloudy, cool		1	
1/15/93	Fri	Partly cloudy, cool & showers		1	
	Sat				
	Sun				
Days this week:			1	4	1
Days previously reported:			172	11	33
Total days to date:			173	15	34

Time Extensions	CCO Numbers	Days Approved CCO	Other
Days this report:			
Days previously reported:		35	
Total days to date:		35	

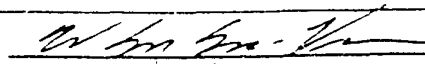
Contract Approval Date: 4/2/92


COMPUTATION OF EXTENDED DATE FOR COMPLETION	Number of Days	Numbered Date	Date
1. First working day		* 792	** 4/21/92
2. Working days specified in contract	120	one day less than actual date	
3. COMPUTED DATE FOR COMPLETION (if all days workable)		912	10/8/92
4. Total time extension days approved to date	35	15 calendar days after	
5. Total non-working days to date	15	Contract Approval date	
6. Sub Total (lines 4 + 5)	50	unless noted below	
7. EXTENDED DATE FOR COMPLETION (lines 3 + 6)		962	12/16/92
8. Revised working days for contract (lines 2 + 4)	155	(Numbering based on CAETRANS	
9. Total working days to date	172	construction workday calendar)	
10. WORKING DAYS REMAINING (lines 8 - 9)	**		

Controlling Operation(s): Playground equipment, irrigation system, planting, fibar placement

Remarks: ** Additional working days pending on contract change orders.

The Contractor will be allowed fifteen (15) days in which to protest in writing the correctness of the statement; otherwise the statement shall be deemed to have been accepted by the Contractor as correct.

 1/18/93
Inspector Date

 1/18/93
Resident Engineer Date